ground that no company at all exists, since the "spirit and policy" of the Companies Act were disregarded; (2) that the promoter vendor is principal and the company agent; and (3) that the company is trustee for him, and so entitled to be reimbursed for necessary expenses as to the *res* held in trust. The first theory could scarcely be advanced in this case by the company itself. Mr. Justice Williams seemed to take the second view, and Lord Justice Lindley the third. The House of Lords rejects all three, and criticises them freely. The Lord Chancellor says there is absolutely no evidence of a fraud on the company, as all the original stockholders knew what they were doing. Even the creditors could not have raised the question of fraud, for they had ample notice of the limitation of liability and the charges on the capital stock. (§ 43 of the Companies Act requires the registration of mortgages.) Nor may the decision of the two inferior courts be rested on the policy and spirit of the Act. Its spirit or intent should be gathered from its own words, and at all events cannot be invoked for the purpose of reading an exception into the statute.

EXPERT MEDICAL TESTIMONY. — That the deliberately expressed opinions of scientific men, upon matters within their province of study, should be of considerable assistance to a jury in settling an issue might reasonably be expected. It is generally agreed, however, that the testimony of medical experts, under present conditions, falls very far short of realizing any such expectation. It daily occurs that directly contradictory opinions are obtained from those whose views should be essentially alike. A single significant instance may be mentioned. In a recent murder trial in New York, six days were spent in hearing the opinions of medical experts. In charging the jury, the judge told them to disregard this testimony entirely, as too contradictory to be of any value. Nowhere is the dissatisfaction with this state of affairs so keenly felt as among reputable members of the medical profession. That their calling should be the subject of so much just criticism in respect to the expert testimony given by its members, is deplored by physicians of standing from all over the country. The desire to remedy the evils of the present system is manifesting itself actively. The medical associations of a great number of the States are busily discussing the question, and suggesting schemes for improvement, and already in New York, Illinois, Pennsylvania, and Minnesota legislative aid has been sought, though as yet in no case granted.

The fact that the experts are retained by the parties to the litigation seems to be the source of the difficulty. Under such circumstances it would perhaps be too much to expect that the testimony should be entirely unprejudiced. The position of the experts is really that of contending participants in the cause. That they so regard themselves, to a degree at least, and that in consequence their controversial feelings are aroused, is certain. An incident illustrating this is related of a case tried before three referees, in which the main point at issue was the physical condition of the plaintiff. Two doctors of wide reputation gave opposing opinions, each for the side on which he was retained, and each with positive assurance. A younger physician testified in a manner apparently unprejudiced, and with evident fairness. In arriving at their conclusion the referees were guided almost entirely by this last opinion, one of them pointing out to his colleagues the astonishing fact that the young man

had testified like a witness! The favorite plan for reform, at present, is that of the appointment of a commission of experts by the judges, to be paid for their services by the State. According to some, such a commission should be permanent, while others would prefer to have experts appointed only for individual cases as they came up. Either scheme would certainly be an improvement on the existing method.

IS A PAROL GIFT TO A BAILEE VALID? — The general question, whether a mere bailee of a chattel can be changed into its absolute owner by bare words of the bailor, appears to have been decided, for the first time in England, in the recent case of *Cain* v. *Moon*, [1896] 2 Q. B. 283. In that case the owner of a chattel delivered it to the defendant for safe keeping, as the court understood the facts; and afterwards, being seriously ill, she said to the defendant, "The note is for you if I die." The court here found a good *donatio mortis causa*, holding that, although a delivery of the chattel was necessary, as in the case of a gift *inter vivos*, the antecedent delivery with a different intent was sufficient. The decision went expressly on the ground that there was no direct authority on the point either way, and that it seemed reasonable that an antecedent delivery should be held sufficient, without requiring the intended donee to go through the form of handing back the chattel and again receiving it. It will be noticed that the court assume without discussion that the rule making delivery essential to the validity of the gift is to be applied in the same manner to a *donatio mortis causa* and a gift *inter vivos*. They do not give their theoretical view as to the nature of the transaction; but there seems to be no objection to calling it a parol license to the bailee to keep the chattel, which is acted upon by the bailee, and therefore becomes irrevocable. As a mere release of the bailor's right of action the words are, of course, without effect. Several American courts have reached, without much discussion, the same result as the court in *Cain* v. *Moon*. Two cases in point are *Providence Savings Inst.* v. *Taft*, 14 R. I. 502, and *Porter* v. *Gardner*, 60 Hun, 591.

LEGAL CAUSE. — The task of formulating a satisfactory rule for determining the existence of cause and effect in deciding whether, in an action based on tort, a plaintiff may hold a defendant liable for injuries to the former, continues to vex the courts. The Supreme Court of Canada recently handed down what is submitted to be a correct decision in *Grinsted* v. *Toronto Ry. Co.*, 24 S. C. R. 570. The facts were similar to those so often appearing in cases of this sort. The plaintiff, wrongfully ejected from one of the company's cars on a winter's night, took cold, and suffered an attack of bronchitis and rheumatism. He was allowed to recover for the sickness as an injury resulting from the defendant's act. The court rested their decision on the ground that the question whether the result was *proximate and natural* was to be determined by the jury.

So many rules, theories and maxims regarding Legal Cause have been evolved from the time of Lord Bacon down to the present day, that there is now a profusion of recorded thought tending to confuse a fundamentally important subject. It is submitted that to begin with the simplest possible statement of the question is the proper way to work